

At the meeting of the Public Service Commission of the State of Montana held at the Commission's Offices in Helena, Montana, on Thursday, February 27, 2003, the following members were present:

Bob Rowe, Chairman
Thomas J. Schneider, Vice Chairman
Matt Brainard, Commissioner
Greg Jergeson, Commissioner
Jay Stovall, Commissioner

APPEARANCE

Wayne Budt, Administrator
Transportation & Centralized Services Division

(77) In the matter of the approval of Commission Minutes; Commissioner Stovall moved to approve the Commission Minutes for the week of February 18, 2003. Commissioner Schneider seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Rhonda J. Simmons
Commission Secretary

(SEAL)

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APPEARANCE

Martin Jacobson, Kendal Ferguson, Mike Lee

(78) In the matter of the Commission's discussion of Mid-Rivers Telephone Cooperative's Application for Extended Area Service with the Billings Region, Docket No. D2001.11.147; Commissioner Stovall moved to poll the customers in the affected exchange. Commissioner Brainard seconded the motion, which passed with a vote of 3 to 2. Commissioners Brainard, Rowe and Stovall voted aye. Commissioners Jergeson and Schneider dissented.

APPEARANCE

Monica Tranel, Kendal Ferguson

(79) In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with Montana Wireless, Docket No. D2002.12.156; Commissioner Brainard moved to approve the Interconnection Agreement as filed. Commissioner Stovall seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with Emergent Communications, Docket No. D2001.2.18; Commissioner Brainard moved to approve the Performance Assurance Plan Amendment as filed. Commissioner Stovall seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with Arch Paging, Docket No. D2000.8.139; Commissioner Brainard moved to approve the Single Point of Presence Amendment as filed. Commissioner Schneider seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with Sprint Communications, Docket No. D2002.1.6; Commissioner Brainard moved to approve the Cross Connect and Early Access Amendment as filed. Commissioner Schneider seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with VP Telecom, Docket No. D2003.1.5; Commissioner Brainard moved to approve the Interconnection Agreement as filed. Commissioner Stovall seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with ICG Telecom, Docket No. D2002.7.84; Commissioner Brainard moved to approve the UNEs Amendment as filed. Commissioner Schneider seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with NOS Communications, Docket No. D2001.7.87; Commissioner Brainard moved to approve the Commission-Ordered Amendment as filed. Commissioner Jergeson seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with Josephe B. MacNeal (dba Page Data), Docket No. D2003.1.10; Commissioner Stovall moved to approve the Paging Agreement as filed. Commissioner Stovall seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with Preferred Carrier Services, Docket No. D2001.6.80; Commissioner Brainard moved to approve the UNE-C Amendment as filed. Commissioner Schneider seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with New Edge Networks, Docket No. D2002.9.108; Commissioner Brainard moved to approve the Collocation Augment Rates Amendment as filed. Commissioner Schneider seconded the motion, which passed unanimously.

In the matter of the Commission's discussion of Qwest's Application for Approval of the Interconnection Agreement with DIECA Communications (formerly known as Covad Communications), Docket No. D99.3.68; Commissioner Brainard moved to approve the Joint Testing Amendment as filed. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Robin McHugh, Steve Vick

(80) In the matter of the Commission's discussion of the PSC and MCC funding taxes/fees; Commissioner Brainard moved to send a letter to the House or Senate taxation committee and request that they draft a study resolution for the PSC oversight committee. Commissioner Stovall seconded the motion, which passed unanimously.

Commissioner Rowe moved to send a notice to potentially affected parties to describe the issue, current practice and possible modifications to current practice, requesting comments on 1) what is the correct interpretation of current law under the City of Billings case, and 2) recommendations for statutory modifications. Commissioner Brainard seconded the motion.

Commissioner Rowe offered a substitute motion to send a letter to Department of Revenue stating 1) we do not recommend a change in who is assessed, 2) describing the issue, and 3) that we have requested a legislative study on the issue. Commissioner Stovall seconded the motion, which passed with a vote of 4 to 1. Commissioners Brainard, Rowe, Schneider and Stovall voted aye. Commissioner Jergeson dissented.

APPEARANCE

Martin Jacobson

(81) In the matter of the Commission's discussion of Utility Appliance Merchandising and Servicing; Commissioner Rowe moved to draft rules for the Commission's evaluation concerning utility appliance merchandising and servicing, the rules to define what utilities can do, require accounting and address the leveraging issue. Commissioner Stovall seconded the motion, which passed unanimously.

APPEARANCE

Wayne Budt

(82) In the matter of the Commission's discussion of legislation; Commissioner Schneider moved to obtain a copy of the default supply rulemaking transcript. Commissioner Jergeson seconded the motion, which passed unanimously.

There being no further business to come before the Commission the meeting was adjourned.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGESON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Rhonda J. Simmons
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(SEAL)